

Indiana Department of Education

Division of Exceptional Learners

COMPLAINT INVESTIGATION SUMMARY

COMPLAINT NUMBER:	1872.02
COMPLAINT INVESTIGATOR:	Sandie Scudder
DATE OF COMPLAINT:	February 11, 2002
DATE OF REPORT:	March 13, 2002
REQUEST FOR RECONSIDERATION:	no
DATE OF CLOSURE:	April 8, 2002

COMPLAINT ISSUES:

Whether the School City of Mishawaka and the Mishawaka-Penn-Harris-Madison Joint Services violated:
-511 IAC 7-27-7(a) by failing to implement the student's individualized education program (IEP) as written' specifically:

- a. having the student participate in standardized testing, contrary to the IEP; and
- b. failing to read a test to the student as required by identified accommodations.

FINDINGS OF FACT:

1. The Student is 12 years old, is in the 5th grade, and is eligible for special education and related services as a Student with a mild mental disability and a communication disability.
2. On January 25, 2002, the Complainant observed the Student being given a Saxon math test without assistance in the Student's classroom. The Student's IEP dated May 1, 2001, includes a written comment in the *State and District Wide Assessment* section that states: "No testing by standardized tests." The IEP includes an *INSTRUCTIONAL MODIFICATIONS* page with the following comment checked: "Read tests orally to student." The Director states that the *Saxon Publishers' Middle Grades Placement Test* is not a standardized test, because it is a criterion-referenced assessment. However, the criterion-referenced assessment, developed by Saxon and based on the Saxon curriculum, is a standardized test based on the Department of Education's "standardized test" definition. On January 25, 2002, the test was given to all upper elementary students to identify students who would participate in the Math Bowl. The classroom teacher explained, to the class, the purpose of the test and stated that no scores would be given and that the test would not impact their math grade.
3. All students were given the opportunity to qualify for this academic competition by taking the Saxon math test. The Director states that the test was not read to the Student per the competition directions.

CONCLUSIONS:

1. Finding of Fact #2 reflects that the Student's IEP precludes the Student's participation in any standardized testing. The Department of Education defines a standardized test as a "large scale assessment with consistent procedures for administration and scoring" that "is administered in accordance with explicit directions for uniform administration," and may include norm-referenced and/or criterion-referenced assessments. Finding of Fact #2 also reflects that all upper elementary students, including the Student, were administered the "Saxon Replacement Test" which is

considered a standardized test. Therefore, a violation of 511 IAC 7-27-7(a) occurred with respect to the Student's participation in the standardized testing.

2. Findings of Fact #2 and #3 indicate that the Student's IEP requires that tests be read to the student, but that the school failed to read the "Saxon Replacement Test" to the Student in deference to the Math Bowl competition rules. A violation of 511 IAC 7-27-7(a) is found with respect to the school's failure to read the test to the student.

The Department of Education, Division of Exceptional Learners requires the following corrective action based on the Findings of Fact and Conclusions listed above.

The School City of Mishawaka and the Mishawaka-Penn-Harris-Madison Joint Services shall submit an assurance statement that the Student's IEP will be implemented as written. The letter shall be submitted to the Division no later than April 19, 2002.

DATE REPORT COMPLETED: March 13, 2002